

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Frances A. Birch

v.

Civil No. 05-cv-179-JD

ESI Mail Pharmacy Services, Inc.

O R D E R

ESI Mail Pharmacy Services, Inc., has moved to compel responses to interrogatories and document requests propounded to the plaintiff, Frances A. Birch. In her objection to the motion, filed on January 19, 2006, Birch promised that her counsel would provide the responses on January 20, 2006. The court has heard nothing further from either party on this subject. The motion to compel (document no. 15) is therefore DENIED as moot. To the extent ESI seeks to recover the costs of its motion from Birch, that request is also DENIED because it was not made in a separate filing as required by L.R. 7.1(a)(1).

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

February 10, 2006

cc: Anthony S. Augeri, Esquire  
Richard E. Fradette, Esquire  
Scott H. Harris, Esquire  
Catherine M. Hensler-Dickenson, Esquire  
Timothy F. McCurdy, Esquire